IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 18494 of 2007(B)

PETITIONER:

JABBAR.K.M., S/O.KAMMU,
MELATHATTU HOUSE, P.O.CHAMAKALA, THRISSUR DIST.

BY ADV. SRI.C.PRABIN BENNY

RESPONDENTS:
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1. EDATHURUTHY GRAMA PANCHAYATH,
EDATHURUTHY-680 703, THRISSUR DISTRICT,
REPRESENTED BY SECRETARY.

2. DARULRAHMA ENGLISH MEDIUM SCHOOL,
CHAMAKKAL, REPRESENTED BY LATHEEF HAJI,
MANAGER.

3. MUHAMMADALI HAJI, PRESIDENT,
DARUL RAHMATH MADRASA MUSLIM LEAGUE,
CHAMAKALA.

4. HUTCHISON ESSAR CELLULAR LTD.,
IST FLOOR, MATHER SQUARE, OPPOSITE NORTH
RAILWAY STATION, ERNAKULAM.

R1 BY ADV. SRI.JOICE GEORGE
R2 & R3 BY ADV. SMT.M.A.BINDU
R4 BY ADV. SRI.P.SATHISAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 18494 OF 2007 B

PETITIONER'S EXTS:

EXT.P1 **TRUE COPY OF THE MASS PETITION DATED 05.05.2007 FILED BEFORE THE FIRST RESPONDENT.**

EXT.P2 **TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 17.5.2007 ISSUED BY THE FIRST RESPONDENT.**

EXT. P3 **TRUE COPY OF THE NOTICE DATED 8.6.2007 PUBLISHED BY THE JANAKEEYA SAMRAKSHANA SAMITHI.**

EXT.P4 **TRUE COPY OF THE REPRESENTATION DATED 10.6.2007 FILED BY PETITIONER ALONG WITH OTHER 59 PARENTS OF THE STUDENTS IN MADRASA BEFORE 3RD RESPONDENT.**

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 18494 OF 2007 B

Dated this the 2nd August, 2007

JUDGMENT

Petitioner has approached this Court seeking to quash Ext.P2 Certificate and direct respondents 1 to 3 to consider Exts.P1 and P4 representations. A further direction is also sought to the fourth respondent not to erect the mobile tower near the School -cum- Madrassa. Case of the petitioner, in brief, is as follows:

Petitioner is the father of two children studying in the second respondent School. The fourth respondent is going to erect and charge a mobile tower next to the School -cum- Madrassa. Petitioner filed a mass petition before first respondent. A Counter Affidavit is filed by the fourth respondent. Therein, it is stated that the mobile tower has been erected and it has been commissioned also. It also produced a Stability Certificate. Of course, learned counsel for respondent points out that the matter is covered by the ruling of the Division

Bench of this Court in Reliance Infocomm Ltd. v. Chemanchery Grama Panchayat and Others (ILR 2006 (4) KER. 357). Ext. P2 is a No Objection Certificate issued by the Panchayat for construction of the mobile tower. Learned counsel for the petitioner submits that the petitioner is concerned with the safety of the structure. Having regard to the stability certificate issued, I do not think that the petitioner has made out a case. I see no ground to interfere. The Writ Petition is dismissed.

K. M. JOSEPH, JUDGE

kbk.